THE HONOURABLE DR. JUSTICE G. YETHIRAJULU

WRIT PETITION No. 4764 OF 2004

Date:13.12.2007

BETWEEN:

Kovvuri Veera Mohan Reddy

…. PETITIONER

And

1. The Executive Officer, Sri Gopaswamyvri Devasthanam, Balabadhrapuram, Bicavole Mandal, East Godavri District, and others.

…. RESPONDENTS

ORAL ORDER:

This Writ petition is filed by the petitioner seeking to declare the action of the respondents in attempting to vacate him forcibly from his leasehold lands without any notice or enquiry or order, as illegal and arbitrary and against the principles of natural justice.

The petitioner claims that he is the cultivating tenant of the land belonging to the first respondent Devasthanam. He was given the leasehold rights in the year 1991 and ever since he has been cultivating the land by paying rents regularly. He is a landless poor person as defined under the provisions of the A.P. Charitable and Hindu Religious Institution and Endowments Act, 1987 (for short 'the Act'). During the month of April 2003 the first respondent-Executive Officer issued a notice to the petitioner under Rule 5 (1) of the Rules framed under the G.O issued by the Government, arbitrarily canceling his lease directing him to vacate the lands within 30 days. He gave explanation stating that he is a landless poor person and he is entitled to claim the purchase rights as provided in the Rules under the Act.

During the pendency of the claim, the land was proposed to be acquired for providing house sites to the weaker sections. The villagers forcibly trespassed into his land and tried to lay some huts in it. When he resisted the said attempt, they have threatened him saying that they would come once again with police force to occupy the land forcibly. Under those circumstances, the petitioner filed W.P.No.7122 of 1996 before

this Court. This Court by its order, dated 4.04.1996 directed the respondents not to dispossess the petitioner without following due process of law. When the respondents once again tried to dispossess the petitioner by issuing the notice, he filed the present writ petition for the reliefs as mentioned above.

It is represented by the learned counsel for the respondent that this Court through its order dated 4.04.1996 in W.P.No.7122 of 1996 directed the respondents not to dispossess the petitioner from his lands in question without resorting to due process of law. In pursuance of that a notice was issued under Rule 5(1) of the Rules under the Act, and subsequently, steps were taken in accordance with the procedure prescribed under the law.

Since there is no violation of the Rules, and the notice issued by the respondents cannot be treated as illegal and arbitrary, I do not find any ground to quash the notice issued by the respondents and there are no merits in the writ petition.

Accordingly, the Writ Petition is dismissed. No costs.

_____

(Dr. G. Yethirajulu, J.)

13th December, 2007
Js.